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February 28th 1975

Mr. John Andrews
Vice President
Rovic Construction Company
911 Bergen Avenue
Jersey City, New Jersey

Re: Agreement Between Rovic Construction
Company, EPA, and NJDEP for condi-
tions pertaining to construction
on Wood-Ridge Development Lot 10,
Block 229
Wood Ridge, New Jersey

Dear Mr. Andrews:

This is in response to your letter of January 30, 1975, in which you submitted to EPA, in accordance with our request at our January 10, 1975 meeting, five soil analyses performed by Jersey Testing Laboratories, Inc., along with a four-phase program to mitigate the transport from your property of mercury and other contaminants into the surrounding surface and sub-surface area waters.

The Environmental Protection Agency in reviewing options potentially available to you hereby submits the following proposal for your review. This proposal essentially implements the recommendations you proposed in your letter of January 30, 1975. After you have had time to consider and comment upon our proposal in writing to both the EPA and NJDEP, the final version will be written as a stipulation and final disposition for signature by the Regional Administrator, Region II, EPA, and the Commissioner, New Jersey Department of Environmental Protection, along with Rovic Construction and Wolf Enterprises.

→ (1) A continuous building perimeter footing shall be constructed as set forth in alternate 1 of your letter of January 30, 1975.

(2) A wall shall be constructed around the perimeter of the southern and eastern property lines, as set forth in alternate 3

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of your letter of January 30, 1975, to a depth of one foot below the lower surface of the organic silt layer, or to a depth of five feet from the surface of the topsoil, whichever is greater.

(3) Complete impervious paving of the surface of the construction site shall be performed.

(4) All drainage from the property shall be carried by drainage ditches constructed of a water-impervious material.

(5) A monitoring program shall be conducted in a manner specified by the National Pollutant Discharge Elimination System permit which will be issued to the site.

(6) A semi-annual inspection schedule shall be maintained of all above-ground structures constructed to mitigate mercury pollution. A file shall be kept on the property, available for inspection by EPA and NJDEP during normal business hours. All cracks in paving and drainage shall be repaired within 14 (FOURTEEN) days of their detection.

(7) The conditions of any stipulation entered into by the above-mentioned parties shall appear in any deeds executed in transference of ownership or proprietorship of the property referred to above, and such stipulation shall become a covenant running with the land and shall be recorded in the records of the County Clerk's office.

If later survey or studies conducted by EPA or any other agency responsible for environmental quality determines that the above mitigating actions are not sufficient to meet the requirements of the final NPDES permit which will be issued to the site or the requirements of any laws or regulations relating to aquifers of the State of New Jersey, it is agreed that you will comply with any additional requirements which may be imposed.

We will arrange a meeting of EPA, NJDEP, Rovic and Wolf after you have had time to consider and comment upon the above proposal. The final language for the stipulation will be decided upon at that meeting.

If you have any questions, please do not hesitate to contact Mr. Henry Gluckstern.

Very truly yours,

MEYER SCOLNICK
Director
Enforcement and Regional
Counsel Division

(9) Two monitoring wells will be drilled, one within the building one in the outside of the property line.